

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Judge Robert W. Schroeder III

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL ACTION NO. 6:18CR16
	§	
HEON JONG YOO	§	

MINUTES FOR SECOND DAY OF JURY TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
NOVEMBER 14, 2018

OPEN: 8:51 am

ADJOURN: 5:46 pm

ATTORNEY FOR PLAINTIFF: Lucas Machicek, Frank Coan and Ryan Locker

ATTORNEY FOR DEFENDANTS: Pro Se and Jeff Haas (standby counsel)

LAW CLERK: Amanda DoCouto

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Shea Sloan

8:51 am	Outside the presence of the jury panel, the Court and parties discuss instructions; Mr. Yoo raises his concern over one of the government's exhibit; Court responds; Mr. Haas and Mr. Coan discuss timetable for closing argument; Court responds
8:57 am	Jury seated
8:57 am	Mr. Machicek calls Austin Rohr
8:58 am	Mr. Machicek begins direct examination of Mr. Rohr
9:02 am	Mr. Machicek offers Exhibit #4 into evidence; no objection
9:05 am	Bench conference

9:12 pm Mr. Yoo begins cross examination of Mr. Rohr

9:13 am Objection by Mr. Machicek; Mr. Yoo responds; Court responds

9:22 am Objection by Mr. Machicek; Mr. Yoo responds; Court responds

9:23 am Objection by Mr. Machicek; Court - sustained

9:24 am Objection by Mr. Machicek; Court - sustained

9:25 am Bench conference

9:29 am Mr. Yoo continues with cross examination of Mr. Rohr

9:30 am Objection by Mr. Machicek; Mr. Yoo responds; Mr. Machicek responds; Mr. Yoo responds; Court responds

9:41 am Objection by Mr. Machicek; Mr. Yoo responds; Court responds

9:43 am Objection by Mr. Machicek; Court questions Mr. Yoo; Mr. Yoo responds

9:45 am Objection by Mr. Machicek; Mr. Yoo responds; Court responds - overruled

9:48 am Mr. Machicek begins re-direct examination

9:49 am Objection by Mr. Yoo; Court - overruled

9:50 am Objection by Mr. Yoo; Court - rephrase the question as to leading; overruled as to speculation

9:51 am Objection by Mr. Yoo; Court - overruled

9:52 am Objection by Mr. Yoo; Court - overruled

9:53 am Mr. Yoo begins re-cross examination

9:55 am Objection by Mr. Machicek; Court - rephrase the question

9:55 am Witness excused

9:56 am Mr. Machicek calls Bailey Averitt

9:56 am Mr. Machicek begins direct examination of Mr. Averitt

9:59 am Mr. Yoo begins cross examination of Mr. Averitt

10:00 am Objection by Mr. Machicek; Court responds

10:01 am Mr. Machicek begins re-direct examination

10:02 am Mr. Yoo begins re-cross examination

10:03 am Witness excused

10:03 am Mr. Machicek calls Victor Montalvo

10:04 am Mr. Machicek begins direct examination of Mr. Montalvo

10:07 am Mr. Machicek moves Exhibit #5 into evidence; no objection

10:07 am Mr. Yoo begins cross examination of Mr. Montalvo

10:08 am Objection by Mr. Machicek; Court - sustained

10:09 am Witness excused

10:09 am Mr. Machicek calls Cesar Bahena

10:09 am Mr. Machicek begins direct examination of Mr. Bahena

10:11 am Objection by Mr. Yoo; Court - overruled

10:13 am Mr. Yoo begins cross examination of Mr. Bahena

10:15 am Witness excused

10:15 am Mr. Machicek calls Phillip Olivares

10:16 am Mr. Machicek begins direct examination of Mr. Olivares

10:21 am Mr. Yoo begins cross examination of Mr. Olivares

10:22 am Mr. Machicek begins re-direct examination

10:23 am Objection by Mr. Yoo; Court - overruled

10:23 am Objection by Mr. Yoo; Mr. Machicek responds; Court - overruled

10:25 am Mr. Yoo begins re-cross examination

10:26 am Mr. Machicek continues with re-direct examination

10:27 am Mr. Yoo continues with re-cross examination

10:27 am Mr. Machicek continues with re-direct examination

10:28 am Mr. Yoo continues with re-cross examination

10:28 am Witness excused

10:28 am Mr. Machicek calls Michelle Threadgill

10:29 am Mr. Machicek begins direct examination of Ms. Threadgill

10:36 am Mr. Machicek offers into evidence Exhibit #6; no objection

10:37 am Mr. Yoo begins cross examination of Ms. Threadgill

10:37 am Objection by Mr. Machicek; Court - rephrase the question

10:38 am Witness excused

10:38 am Mr. Machicek calls Michael Mayfield

10:39 am Mr. Machicek begins direct examination of Mr. Mayfield

10:43 am Objection by Mr. Yoo; Mr. Machicek responds; Court responds

10:46 am Mr. Yoo begins cross examination of Mr. Mayfield

10:46 am Objection by Mr. Machicek; Mr. Yoo responds; Court responds

10:49 am Mr. Machicek begins re-direct examination

10:50 am Mr. Yoo begins re-cross examination

10:50 am Objection by Mr. Machicek; Court - sustained

10:50 am Witness excused

10:50 am Mr. Machicek calls Johnnie Foster

10:51 am Mr. Machicek begins direct examination of Mr. Foster

10:54 am Mr. Machicek offers into evidence Exhibit #7; no objection

10:59 am Mr. Yoo begins cross examination of Mr. Foster

10:59 am Mr. Yoo begins re-direct examination of Mr. Foster

11:00 am Objection by Mr. Yoo; Mr. Machicek responds; Court - overruled

11:01 am Mr. Yoo begins re-cross examination

11:01 am Objection by Mr. Machicek; Court - overruled

11:02 am Witness excused

11:02 am Recess

11:25 am Outside the presence of the jury, Mr. Coan discusses two upcoming witnesses and demonstrative to be used; no objections

11:29 am Jury seated

11:29 am Mr. Machicek calls Aaron Lee

11:29 am Mr. Machicek begins direct examination of Mr. Lee

11:34 am Mr. Yoo begins cross examination of Mr. Lee

11:37 am Mr. Machicek begins re-direct examination

11:37 am Objection by Mr. Yoo; Court responds - overruled

11:38 am Mr. Yoo begins re-cross examination

11:38 am Mr. Machicek continues with re-direct examination

11:40 am Witness excused

11:40 am Mr. Coan calls Brian Barker

11:41 am Mr. Coan begins direct examination of Mr. Barker

11:55 am Mr. Coan offers into evidence Exhibit #32; no objection

12:02 pm Mr. Yoo begins cross examination of Mr. Barker

12:06 pm Objection by Mr. Coan; Court - ask the question

12:08 pm Objection by Mr. Coan; Court - rephrase the question

12:09 pm Objection by Mr. Coan; bench conference

12:13 pm Mr. Yoo continues with cross examination

12:14 pm Objection by Mr. Coan; Court responds

12:15 pm Objection by Mr. Coan; Court - rephrase the question

12:18 pm Objection by Mr. Coan; Court - will give a little bit of latitude

12:19 pm Objection by Mr. Coan; Mr. Yoo responds; Court responds

12:21 pm Objection by Mr. Coan; Mr. Yoo responds; Court responds

12:24 pm Objection by Mr. Coan; Court responds

12:25 pm Objection by Mr. Coan; Court - sustained

12:26 pm Objection by Mr. Coan; Court - rephrase the question

12:31 pm Objection by Mr. Coan; Mr. Yoo responds; Court responds

12:35 pm Objection by Mr. Coan; Court responds

12:38 pm Mr. Coan begins re-direct examination of Mr. Barker

12:39 pm Objection by Mr. Yoo; Mr. Coan responds; Court - overruled

12:42 pm Objection by Mr. Yoo; Court responds

12:44 pm Objection by Mr. Yoo

12:46 pm Objection by Mr. Yoo; Court - overruled

12:47 pm Objection by Mr. Yoo; Court - overruled

12:47 pm Mr. Yoo begins re-cross examination of Mr. Barker

12:48 pm Mr. Yoo makes a motion to strike the witness; Court - denied

12:51 pm Objection by Mr. Coan; Mr. Yoo responds; Court - will give a little bit of latitude

12:52 pm Objection by Mr. Coan; Court - sustained

12:53 pm	Witness excused
12:53 pm	Jury excused
12:54 pm	Outside the presence of the jury, bench conference
12:58 pm	Recess
2:02 pm	Jury seated
2:03 pm	Bench conference
2:04 pm	Mr. Coan calls Dr. Victoria Larsen
2:04 pm	Mr. Coan begins direct examination of Dr. Larsen
2:08 pm	Mr. Coan offers Exhibit #36 to be published and used as a demonstrative; Mr. Yoo objects; Court - overruled
2:23 pm	Mr. Coan offers into evidence Exhibit #9; no objection
2:36 pm	Mr. Yoo begins cross examination of Dr. Larsen
2:40 pm	Mr. Yoo requests to use Plaintiff's Exhibit #10; Mr. Coan advises it has not been admitted; Mr. Yoo responds; Court responds
2:48 pm	Mr. Coan requests Mr. Yoo to be more specific in what he is asking for in regard to the Plaintiff's exhibits; Court responds; Mr. Yoo responds
2:50 pm	Objection by Mr. Coan; Mr. Yoo responds; Court questions Mr. Yoo; Mr. Yoo responds; Court questions Mr. Coan; Mr. Coan responds; Court responds
2:52 pm	Objection by Mr. Coan; Court - sustained
2:54 pm	Objection by Mr. Coan; Court - rephrase the question
2:57 pm	Objection by Mr. Coan; Court - proceed but try not to testify
2:58 pm	Objection by Mr. Coan; Court - sustained
2:59 pm	Objection by Mr. Coan; Court - overruled
3:00 pm	Mr. Coan begins re-direct examination of Dr. Larsen
3:03 pm	Mr. Yoo wishes to use one of his exhibits; Mr. Coan objects; Mr. Yoo responds;

Court responds

3:04 pm Mr. Yoo begins re-cross examination of Dr. Larsen

3:05 pm Objection by Mr. Coan; Court responds

3:08 pm Objection by Mr. Coan; Mr. Yoo responds; bench conference

3:14 pm Mr. Yoo continues with re-cross examination

3:15 pm Mr. Coan continues with re-direct examination

3:15 pm Mr. Yoo continues with re-cross examination

3:15 pm Witness excused

3:16 pm Mr. Coan calls James Reed; witness sworn in

3:16 pm Mr. Coan begins direct examination of Special Agent Reed

3:20 pm Objection by Mr. Yoo; Court responds

3:27 pm Mr. Coan offers into evidence Exhibit #16; objection by Mr. Yoo; Mr. Coan responds; Court responds; Mr Yoo advises there is no dispute to his residence and vehicle; Mr. Coan stipulates to such

3:30 pm Mr. Yoo admits to ownership of firearms Mr. Coan responds - will accept stipulation but will introduce the firearms into evidence

3:31 pm Mr. Coan offers into evidence Exhibit #20; no objection

3:32 pm Mr. Coan offers into evidence Exhibit #22; no objection

3:33 pm Mr. Coan offers into evidence Exhibit #24; no objection

3:34 pm Mr. Coan offers into evidence Exhibit #26; no objection

3:34 pm Mr. Coan offers into evidence Exhibit #28; no objection

3:35 pm Mr. Coan offers into evidence Exhibit #29; no objection

3:37 pm Objection by Mr. Yoo; Mr. Coan responds; Court - sustained

3:38 pm Objection by Mr. Yoo; Court responds

3:39 pm Mr. Yoo begins cross examination

3:40 pm Mr. Yoo addresses the Court regarding Exhibit #5; Court responds

3:44 pm Mr. Yoo wishes to show Exhibit #2 (U.S. Code); Objection by Mr. Coan; Court - lay a foundation

3:48 pm Mr. Yoo requests to admit Exhibit #6; Mr. Coan responds; Court responds

3:56 pm Objection by Mr. Coan

3:57 pm Jury excused

3:57 pm Outside the presence of the jury, bench conference

3:59 pm Recess

4:13 pm Jury seated

4:13 pm Mr. Yoo continues with cross examination of Special Agent Reed

4:20 pm Objection by Mr. Coan; Court responds

4:22 pm Objection by Mr. Coan; Court - sustained

4:23 pm Mr. Yoo moves to impeach the witness; Court - lay a foundation

4:24 pm Mr. Coan moves into the record Exhibits #16 and #17; objection by Mr. Yoo; Court responds - sustains objection to #16 based on the stipulation by the parties as to Mr. Yoo's residence; no objection to #17 be admitted

4:26 pm Witness excused

4:26 pm Mr. Yoo questions the Court regarding Exhibit #16; Court responds

4:26 pm Mr. Machicek calls Jonathan Hoosier

4:27 pm Mr. Machicek begins direct examination of Mr. Hoosier

4:28 pm Objection by Mr. Yoo; bench conference

4:29 pm Mr. Machicek continues with direct examination of Mr. Hoosier

4:34 pm Objection by Mr. Yoo; Mr. Machicek responds; Court - will allow some latitude

4:35 pm Objection by Mr. Yoo; Court - lay a foundation; Mr. Machicek responds; Court will permit it

4:36 pm Objection by Mr. Yoo

4:36 pm Objection by Mr. Machicek; Court - sustained

4:37 pm Mr. Yoo begins cross examination of Mr. Hoosier

4:40 pm Objection by Mr. Machicek; Court - overruled

4:41 pm Objection by Mr. Machicek; Court - sustained

4:42 pm Witness excused

4:42 pm Mr. Locker calls Warren Keener

4:42 pm Mr. Locker begins direct examination of Special Agent Keener

4:53 pm Mr. Locker offers Special Agent Keener as an expert in firearms, trace and interest nexus; no objection

4:55 pm Mr. Locker offers into evidence Exhibit #21; no objection

4:58 pm Mr. Locker offers into evidence Exhibit #23; no objection

5:04 pm Mr. Locker offers into evidence Exhibit #25; no objection

5:09 pm Mr. Locker offers into evidence Exhibit #27; no objection

5:21 pm Objection by Mr. Yoo; Court responds - overruled

5:22 pm Mr. Yoo begins cross examination of Special Agent Keener

5:24 pm Objection by Mr. Locker; Mr. Yoo responds; Court - overruled

5:26 pm Objection by Mr. Locker; Court - move along

5:26 pm Witness excused

5:27 pm Bench conference

5:30 pm Mr. Coan advises the Court the United States will rest

5:30 pm Court informs the jury of the remaining schedule

5:31 pm Jury excused

5:32 pm Outside the presence of the jury, Mr. Haas informs the Court of his desire regarding JMOLs and Rule 29 motions; Mr. Coan agrees that the motions can be submitted on paper and that defendant is not waiving anything by not making an oral motion

5:33 pm Mr. Yoo discusses his change of address and wishes to call the Court clerk regarding receipt of that change; Court responds; Mr. Machicek responds; Mr. Yoo responds; Court questions Mr. Machicek; Mr. Machicek responds; Court responds; Mr. Haas responds; Mr. Coan responds; Mr. Haas responds; Mr. Yoo responds; Mr. Coan responds; Court responds

5:45 pm Court instructs parties regarding objections to jury instructions; will hear argument tomorrow morning at 8:15

5:46 pm Recess